

IN THE UNITED STATES DISTRICT COURT  
FOR THE STATE OF NEW MEXICO

**FILED**  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

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STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE *Ramon Aragon*

*Clerk-Santa Fe*  
RIO CHAMA STREAM SYSTEM  
Section 7: Rito de Tierra Amarilla,  
Rio Brazos, Rutheron & Plaza Blanca,  
Cañones Creek, Village of Chama

**MOTION TO VACATE FILED CONSENT ORDERS  
AND FOR LEAVE TO FILE NEW CONSENT ORDERS  
IN SUBFILES CHTA-004-0019, CHTA-004-0024 AND CHRU-003-0006**

COMES NOW the Plaintiff, State of New Mexico, *ex rel.* State Engineer, and moves the Court to enter its order vacating the filed Consent Orders for the following defendants and subfiles:

Kelly Ward  
Shaun Ward  
CHTA-004-0019  
(filed April 10, 2002, Docket No. 6630)

Ernesto Salazar  
Esther H. Salazar  
CHTA-004-0024  
(filed September 4, 2002, Docket No. 6849)

Jerrold L. Devers  
Sharon Devers  
CHRU-003-0006  
(filed July 31, 2002, Docket No. 6804)

and granting leave for the parties to file new and corrected Consent Orders in the above named subfiles.

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As grounds therefore Plaintiff states as follows:

1. The hydrographic survey staff of the Office of the State Engineer has recently discovered a mapping error in each of the above subfiles. The error in each subfile involved an irrigation pond or stocktank, and the failure to deduct the area occupied by the pond from the reported amount of irrigated acreage.

2. Correction of this error will reduce the total amount of mapped irrigated acreage in subfile CHTA-004-0019 from 10.2 to 10.1 acres.

3. Correction of this error will reduce the total amount of mapped irrigated acreage in subfile CHTA-004-0024 from 57.1 to 56.9 acres.

4. Correction of this error will reduce the total amount of mapped irrigated acreage in subfile CHRU-003-0006 from 95.7 to 93.3 acres.

5. Defendants Kelly Ward, Shaun Ward, Ernesto Salazar and Esther H. Salazar do not oppose the granting of this motion.

6. Defendants Jerroll L. Devers and Sharon Devers have not responded to the state's inquiry to ask if they oppose vacating the consent order filed on July 31, 2002 in subfile CHRU-003-0006, and the Court should assume that they oppose the motion.

WHEREFORE, the Plaintiff State of New Mexico requests that the Court enter its order vacating the filed Consent Orders in subfiles CHTA-004-0019, CHTA-004-0024 and CHRU-003-0006 and granting the parties leave to file new and corrected Consent Orders in each subfile.

Respectfully submitted,



EDWARD G. NEWVILLE  
Special Assistant Attorney General

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(505) 827-6150

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing motion to vacate consent orders was mailed to the following persons on the 21 day of November, 2002.

Kelly Ward  
Shaun Ward  
826 Fairway Road NW  
Albuquerque, NM 87107

Ernesto Salazar  
Esther H. Salazar  
P.O. Box 375  
Tierra Amarilla, NM 87575

Jerrold L. Devers  
Sharon Devers  
HC 75 Box 1175  
Rutheron, NM 87551

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